Remarks

The applicants have carefully considered the official action dated July 27, 2010, and

the art cited therein. By way of the foregoing amendments, claims 1, 11-18, 21, 23, 25, 29-

35, 43-44, 46-50, 54-56, and 58-59 have been amended and claims 4 and 20 have been

cancelled. It is respectfully submitted that all pending claims are in condition for allowance.

Accordingly, favorable reconsideration of all pending claims and an indication of allowance

of the same are respectfully requested.

Claim 1 was rejected as unpatentable over Van Dyke (US 6,412,070) and Larus (EEL:

Machine-Independent Executable Editing). Claim 1 recites a method that includes modifying

obtained machine code of the application to include instructions to associate first data

management information with a first subset of the data, to associate second data management

information with a second subset of the data, and to verify that the data management

information indicates that the data is authorized to be written by an instruction to write the

data before the data is written. The cited art does not teach or suggest such a method.

Van Dyke is directed to an extensible security system for controlling access to objects

in a computing environment. In particular, Van Dyke describes enabling the control of

objects beyond traditional access rights like read, write, create and delete. (Van Dyke, col. 2,

lines 2-5). The Office action admits that Van Dyke does not teach modifying machine code

of an application. Likewise, Van Dyke does not teach or suggest modifying machine code to

include an instruction to associate first data management information with a first subset of the

data and second data management information with a second subset of the data. There is no

suggestion in Van Dyke to associate first data management information with a first subset of

data (e.g., a file) and second data management information with a second subset of the data.

Larus cannot cure the deficiencies of Van Dyke. Larus describes systems for

modifying executable code. However, Larus does not teach or suggest modifying obtained

machine code of the application to include instructions to associate first data management

information with a first subset of the data, to associate second data management information

with a second subset of the data, and to verify that the data management information indicates

that the data is authorized to be written by an instruction to write the data before the data is

written. Accordingly, claim 1 and all claims depending therefrom are patentable over Van

Dyke and Larus and reconsideration is respectfully requested.

Claim 18 was rejected as unpatentable over Van Dyke and Larus. Claim 18 recites,

inter alia, modifying obtained machine code of an application to include instructions to

associate first data management information with a first subset of the data and second data

management information with a second subset of the data and to verify that the data

management information indicates that the data is authorized to be written by an instruction

to write the data before the data is written. The Van Dyke/Larus combination does not teach

or suggest such a computing platform. Accordingly, it is respectfully submitted that claim 18

and all claims depending therefrom are patentable.

Claim 34 was rejected as unpatentable over Van Dyke and Larus. Claim 34 recites,

inter alia, modifying obtained machine code of an application to include instructions to

identify data having the data management information associated therewith including

instructions to associate first data management information with a first subset of the data and

second data management information with a second subset of the data, and to verify that the

data management information indicates that the data is authorized to be written by an

instruction to write the data before the data is written. The Van Dyke/Larus combination

does not teach or suggest such a method. Accordingly, it is respectfully submitted that claim

34 and all claims depending therefrom are patentable.

Claim 43 was rejected as unpatentable over Van Dyke and Larus. Claim 43 recites,

inter alia, instructions to associate first data management information with a first subset of a

data, instructions to associate second data management information with a second subset of

the data, and instructions to verify that the data management information indicates that the

data is authorized to be written by an instruction to write the data before the data is written.

The Van Dyke/Larus combination does not teach or suggest such an operating system data

management apparatus. Accordingly, it is respectfully submitted that claim 43 and all claims

depending therefrom are patentable.

Claim 54 was rejected as anticipated by Besson ("Model Checking Security

Properties of Control Flow Graphs") in view of Larus. Claim 54 recites, *inter alia,*

modifying the machine code to include instructions that, when executed, cause a computer to

regulate the data according to data management information, wherein the instructions to

regulate the data according to the data management information include instructions to

associate first data management information with a first subset of the data and second data

management information with a second subset of the data and to verify that the data

management information indicates that the data is authorized to be written by an instruction to write the data before the data is written. The Besson/Larus combination does not teach or suggest such a method. Accordingly, it is respectfully submitted that claim 54 and all claims depending therefrom are patentable.

Conclusion

In general, the Official action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the applicants will not address such statements at the present time. However, the applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

Before closing, the applicant notes that at least the following amendments are either broadening or clarifying and, thus, not necessary for patentability:

1. The deletion of "for regulating the data according to the data management information" in claim 1.

2. The deletion of "instructions for regulating the data according to the data management" in claim 18.

3. The replacement of "in which" with "wherein" throughout the claims.

4. The deletion of "arranged" throughout the claims.

5. The deletion of "regulate operating system operations involving the data according to the data management information by disassembling" in claim 43.

The above noted amendments are either broadening, or are merely clarifying in that the amended claims are intended to state the same thing as the claim was intended to state prior to amendment (i.e., to have the same scope both before and after the amendments). Consequently, these broadening or clarifying amendments do not give rise to prosecution history estoppel or limit the scope of equivalents of the claims under the doctrine of equivalents.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

If the Examiner is of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is invited to contact the undersigned at the number identified below.

Respectfully submitted,

Dated: November 19, 2010

/ Michael W. Zimmerman/

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